

**Applicant:** Gorsuch et al.  
**Application No.:** 10/764,196

**REMARKS**

After the foregoing Amendment, claims 36-164 are currently pending in this application. Claims 3-35 have been canceled without prejudice. New claims 139-164 have been amended.

The Examiner has required restriction under 35 U.S.C. §121:

**Group I** – claims 3-35, drawn to a base station and a subscriber unit for providing wireless communication of digital signals over a plurality of digital communication pates, the digital signals being communicated using at least one radio frequency channel via Code Division Multiple Access (CDMA) modulated radio signals, classified in class 455, subclass 452.2.

**Group II** – claim 36-138, drawn to a method for use in a Code Division Multiple Access (CDMA) user device, classified in class 370, subclass 341.

Applicant elects, without traverse, the claims of Group II (claims 36-138) for prosecution on the merits.

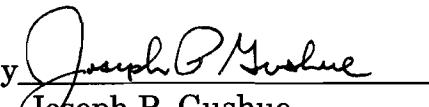
If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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Reconsideration and entry of this amendment is respectfully requested.

Respectfully submitted,

Gorsuch et al.

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Enclosure